

Chapter 8.12

NUISANCES*

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- 8.12.020 Noxious manure or privy contents.
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* For statutory provisions on municipal power to define, prevent and abate nuisances, see Ill.Rev.Stat. 1973 Ch. 24 §11-60-2; for provisions on municipal power to regulate cisterns, culverts and sewers, see Ill.Rev. Stat. 1973 Ch. 24 §11-20-10; for provisions on municipal power to prescribe the strength and manner of constructing all buildings, see Ill.Rev.Stat. 1973 §11-30-4; for provisions on municipal powers to regulate streets and public ways, see Ill.Rev.Stat. 1973 §§11-80-2, 11-80-3, 11-80-8, 11-80-10, 11-80-13, 11-80-14 and 11-80-15; for provisions on municipal power to regulate offensive and unwholesome business and places, see Ill.Rev.Stat. 1973 Ch. 24 §§11-42-9 and 11-42-10.

I. DESIGNATED

8.12.010 Offensive pens, stables and animal keeping places. Whoever keeps, uses or maintains within the village any pen, stable, lot, place or premises in which any hogs, cattle or fowl may be confined or kept in such manner as to be nauseous, foul or offensive, or from any cause to be an annoyance to any community, family or persons, is guilty of a nuisance and, on conviction, shall be fined not less than one dollar nor more than twenty-five dollars. (§1 of Ord. dated 5/21/1878).

8.12.020 Noxious manure or privy contents. Whoever suffers to accumulate, on any premises owned or controlled by him, any heap or stack of manure in such manner as to omit noxious, disagreeable or offensive smells, to the annoyance or distress of any person or family, or whoever places any such manure or the contents of any family privy or vault in or upon any public street, alley or common, is guilty of a nuisance and, on conviction, shall be fined not less than three dollars nor more than twenty-five dollars. (§2 of Ord. dated 5/21/1878).

8.12.030 Offensive cellars, pools, grounds and similar structures. Whoever suffers or permits any cellar, vault, drain, pool, privy, sewer, yards, grounds or premises belonging to or controlled by him to become, from any cause, nauseous, foul, offensive or injurious to the public health, or unpleasant or disagreeable to adjacent residents or persons, is guilty of a nuisance and, on conviction, shall be fined not less than three dollars nor more than twenty-five dollars. (§3 of Ord. dated 5/21/1878).

8.12.040 Nauseous liquors and substances. Whoever causes or permits any nauseous, foul or putrid liquor or substance, or any liquor or substance likely to become nauseous, foul, offensive or putrid, to be discharged, placed or thrown or to flow from or out of any premises, into or upon any adjacent premises or any public street or alley, is guilty of a nuisance, and shall be fined not less than three dollars nor more than twenty-five dollars. (§4 of Ord. dated 5/21/1878).

8.12.050 Deposits of animal or vegetable matter and carcasses. Whoever deposits or places in or upon any premises, public or private, enclosed or common with the village, any vegetable or animal matter or slop, or any filth of a character likely to affect the public health or to produce offensive smells, or the carcass of any dead animal, or whoever suffers the carcass of any dead animal, which at

its death belonged to him, to be or remain in or upon any such place more than twelve hours after its death, is guilty of a nuisance and, upon conviction, shall be fined not less than three dollars nor more than twenty-five dollars. (§5 of Ord. dated 5/21/1878).

8.12.060 Removal of nauseous substances in offensive manner. No person in removing any dead animal or excrement or any other nauseous, offensive or putrid liquid or substance, shall purposely or unnecessarily cause the same to be offensive or annoying to any other person under a penalty of not less than three dollars and not exceeding twenty-five dollars. (§6 of Ord. dated 5/21/1878).

8.12.070 Discovery by village policeman or trustee. When any nuisance or any thing likely to become a nuisance is found by the policeman or any of the trustees, or is reported to them or either of them, the owner, author or cause of such nuisance shall forthwith be notified to abate, remedy or remove the same and, in case he should not comply with such notice, the officer shall abate such nuisance and bring suit against the person in the name of the village, before any court having jurisdictions. (§7 of Ord. dated 5/21/1878).

8.12.080 Deposit of substances in wells and cisterns. Whoever throws, casts or deposits any filth, substance or thing in any public or private well or cistern is guilty of a nuisance and, on conviction, shall be fined not less than ten dollars nor more than two hundred dollars. (§8 of Ord. dated 5/21/1878).

8.12.090 Slaughtering and rendering establishments. Whoever erects or sets into operation within the corporation limits any slaughtering establishment or establishment for steaming or rendering lard, tallow, offal or other substances without permission of the village board of trustees, or whoever, within the corporation limits, with or without such permission, conducts or carries on such establishment in such a way that the same becomes foul or offensive or emits unwholesome or disagreeable odors, to the annoyance or detriment of any community, family or person, is guilty of a nuisance and, on conviction, shall be fined not less than ten dollars nor more than one hundred dollars. (§9 of Ord. dated 5/21/1878).

8.12.100 Handbills and placards. The pasting, sticking or placing of any advertisement, handbill, placard or printed, pictured or written matter of thing whatsoever, upon any house, wall, building, fence, railing, sidewalk or other property, public or private, without permission of

the owner or person in charge thereof, is a nuisance, and any person found guilty of so doing shall be fined not less than one dollar nor more than twenty dollars. (§10 of Ord. dated 5/21/1878).

8.12.110 Broken sidewalks. Whoever makes, keeps or maintains any uncovered opening in any sidewalk or passage way, or whoever suffers or allows any sidewalk or footway which it is his duty to maintain or repair to become or continue so broken, uneven or out of repair as to endanger life or limb, is guilty of a nuisance and, on conviction, shall be fined not less than three dollars nor more than twenty-five dollars. (§11 of Ord. dated 5/21/1878).

8.12.120 Unsafe scaffolds. Whoever erects or uses or causes or suffers to be erected or used within the village any insecure or unsafe scaffold, whereby the safety of persons working thereon or passing thereunder may be in any manner endangered, is guilty of a nuisance and, on conviction, shall be fined not less than three dollars nor more than twenty-five dollars. (§12 of Ord. dated 5/21/1878).

8.12.130 Obstruction of streets and sidewalks.
A. Whoever erects, suspends, keeps or maintains any sign, awning, goods, clothing or other structure or thing over or across any street or sidewalk of the village, or any tree or shrub overhanging the same in such manner as to obstruct such sidewalk or street or render travel thereon inconvenient or unsafe, or whoever suffers an awning, sign or structure over any street or sidewalk to be out of repair or in an insecure or unsafe condition, is guilty of a nuisance, and, on conviction, shall be fined not less than three dollars nor more than twenty-five dollars;

B. All obstructions to streets, alleys, crossings or sidewalks of the village, and all excavations in or under the same which are prohibited by ordinance or which may be made without lawful permission are nuisances; and the person erecting, keeping or maintaining any such nuisance shall in addition to any penalty specially denounced against the same, be subject to the further provisions of the chapter, in the relation to the continuance and abatement nuisances. (§§13 and 14 of Ord. dated 5/21/1878).

8.12.140 Unsafe buildings or structures. No person within the village shall erect or maintain any insecure or unsafe building, stack, wall, chimney or other structure which from situation made of construction or other cause may be dangerous to persons or property. Any person violating this section is guilty of a nuisance and shall, on conviction be fined not less than ten dollars nor more than one hundred dollars. (§15 of Ord. dated 5/21/1878).

8.12.150 Buildings and structures under construction. Wherever in the judgement of the village board of trustees any building, stack, wall, chimney or other structure then in process of construction is being erected or built upon such plans or in such manner that the same will when completed be insecure, unsafe or dangerous to persons or property, the board of trustees may cause notice to be served on the owner of the same or his agent, or upon the contractor or person having charge of the building thereof, to stop work thereon until the plans of such building are so changed as to render the same secure and safe and to meet the approval of the board of trustees. Any person who violates the terms of any notice served on him in pursuance of this section shall be fined fifty dollars and a like sum for each day he persists in such violation. (§16 of Ord. dated 5/21/1878).

II. ABATEMENT PROCEDURE

8.12.160 Court order following conviction. When judgement is rendered against any person for creating, keeping or maintaining any nuisance, it is the duty of the court before whom such conviction is had to order the defendant in such suit to forthwith abate and remove such nuisance; and if the same is not done by such defendant within twenty-four hours, the same shall be abated and removed by the village policeman. Said order shall be entered upon the docket of the court and be made a part of the judgement in the case. (§1 of Ord. dated 5/21/1878).

8.12.170 Failure to abate. Any person, having been found guilty of creating, keeping or maintaining any nuisance, who neglects or fails to abate or remove such nuisance within twenty-four hours thereafter, which nuisance is continued, subject to a like penalty as that originally incurred for keeping, creating or maintaining the nuisance. (§3 of Ord. dated 5/21/1878).

8.12.180 Abatement by village--Permitted without conviction under certain circumstances. When any nuisance is of such a nature or character and is so situated that the same can be abated without the invasion or destruction of private property, and the further continuance thereof is likely to result in expense to the village or injury to any person, it is the duty of the village policeman to abate and remove the same summarily without waiting for the conviction of the author of the nuisance. (§3 of Ord. dated 5/21/1878).

8.12.190 Abatement by village--With due care. In any case where a nuisance is to be abated by the village policeman or any officer, it is the duty of such policeman or any officer to proceed with due care and without any unnecessary destruction of property; and he is in all cases, authorized to employ such assistance and adopt such means as may be necessary to effect the entire abatement of the evil in question. (§4 of Ord. dated 5/21/1878).

8.12.200 Abatement by village--Liability for costs. Every person creating, keeping or maintaining any nuisance shall be liable for all costs and expenses of abating the same when done by the village or under its authority; and in all cases where the village policeman or other officer abates any such nuisance, he shall keep an account of all expenses attending such abatement and shall forthwith bring suit for the same in some competent court, in the name of the village, against the person creating, keeping or maintaining the nuisance so abated. (§5 of Ord. dated 5/21/1878).

Chapter 8.16

WEED CONTROL*

Sections:

- 8.16.010 Definitions.
- 8.16.020 Permitting to grow deemed nuisance.
- 8.16.030 Duty of owner to prevent or remove.
- 8.16.040 Removal by village--Authorized upon failure of owner.
- 8.16.050 Removal by village--Assessment of costs.
- 8.16.060 Removal by village--Costs a lien against property.

* For statutory provisions authorizing municipalities to cut and destroy weeds at the landowner's expense, see Ill.Rev.Stat. 1973 Ch. 24 §§11-20-6 and 11-20-7; for provisions authorizing municipalities to define, prevent and abate nuisances, see Ill.Rev.Stat. 1973 Ch. 24 §11-60-2.